

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAMIEN MARSHJON MCDOUGLAND,

Plaintiff,

v.

J. BELLUOMINI, et al.,

Defendants.

No. 2:22-cv-2242 DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil rights action seeking relief pursuant to 42 U.S.C. § 1983. He alleges that defendants Belluomini, Bargstadt, Branion, Bunch, Castille, Dennis, McElroy, Priest, Purtle, Strobe, and Williams used excessive force against him and that defendants Arciga, Abraham, Reyes, Taylor,¹ Farhat, and Sarai failed to intervene to stop them, in violation of his Eighth Amendment rights. Presently before the court is the California Office of the Attorney General's ("OAG") motion for an extension of time to file waiver of service of process for the defendants who are waiving service. (ECF No. 27.) This is the OAG's first request for an extension of time.

On September 19, 2023, the court directed E-Service on defendants. (ECF No. 21.) The order directed the California Department of Corrections and Rehabilitation ("CDCR") to file a

¹ The California Office of the Attorney General has informed the court that defendant R. Taylor has been misidentified as "R. Thomas" on the docket.

notice of intent to waive service not later than forty days after service of the order, advising the court which defendant(s) will be waiving service of process. (Id. at 3.) It further directed the OAG to file a waiver of service of process for any defendant who is waiving service of process, within thirty days of the CDCR filing a notice of intent to waive service. (Id.) CDCR filed notices of intent to waive service on behalf of all defendants on October 26, 2023. (ECF Nos. 25, 26.) The OAG had until November 27, 2023 to file waivers of service of process for defendants.

On November 27, 2023, the OAG specially appeared to request a thirty-day extension of time to file waivers of process. (ECF No. 27.) The OAG states that it is still determining whether it will represent defendants. (Id. at 2.) Further, the OAG is waiting to receive documents it requested from the institution where plaintiff alleges his claim arose and his current institution. (Id.) According to the OAG, these documents will help the OAG determine whether “any legal impediments exist that would prevent OAG representation” of any defendant. (Id.)

Good cause appearing, IT IS HEREBY ORDERED that:

1. The California Office of the Attorney General’s motion for a thirty-day extension of time to file waiver of service of process by special appearance (ECF No. 27) is granted;
2. Within thirty days of the date of this order, the California Office of the Attorney General shall file waivers of service of process for the defendants identified in the California Department of Corrections and Rehabilitation’s October 26, 2023 notices of intent to waive service (ECF Nos. 25, 26); and
3. The Clerk of the Court shall amend the docket to correctly identify defendant R. Thomas as R. Taylor.

Dated: November 28, 2023


 DEBORAH BARNES
 UNITED STATES MAGISTRATE JUDGE

DB: 15
 DB/DB Prisoner Inbox/Civil Rights/R/mcd02242.36